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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,642	07/29/2003	John W. Evans	79213	6851
22242	7590	11/17/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				OGDEN JR, NECHOLUS
		ART UNIT		PAPER NUMBER
		1751		

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/629,642	EVANS, JOHN W. TJ
	Examiner	Art Unit
	Necholus Ogden	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/04;3/4/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 8-12, 14, 17-18, 20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 89/09806 to Reny et al.

Reny et al disclose a coolant composition comprising at least 90% by weight of an alkylene glycol and a corrosion inhibiting amount of an inhibitor comprising (a) from 0.02 to 4 parts by weight of an azole, (b) from 0.05 to 3 parts by weight of a molybdate salt and (c) from 0 to 3 parts by weight of phosphoric acid (page 3, lines 1-11). Reny et al further teach that their coolant composition most preferably contains essentially no water (pg. 5, lines 28-34).

Reny et al, however, do not exemplify a coolant composition containing less than 0.5 weight percent water.

It would have been obvious to one of ordinary skill in the art to decrease the amount of water present in example 1 of Reny et al because Reny et al specifically teach that it is preferred that the alkylene glycol is used with essentially no water.

5. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chemical Abstracts 120:195478 to Cougenhour et al or Chemical Abstracts 116:86516 to Dingley or Evans (5,031,579), each in view of Mascioli et al or Greaney (5,422,026) or Uekusa et al (5,387,360).

Cougenhour et al disclose the use of non-aqueous propylene glycol as an engine coolant (see abstract).

Dingley disclose the use of monopropylene glycol as the entire engine coolant (see abstract).

Evans '579 discloses a substantially anhydrous coolant comprising propylene glycol (col. 5, lines 50-53) and specifically teaches that said method comprises substantially no water (col. 6, lines 1-3).

Neither Coughenour et al nor Dingley nor Evans '579 disclose the inclusion of molybdate, nitrate or an azole compound.

Mascioli et al disclose an antifreeze composition comprising propylene glycol, sodium molybdate, sodium nitrate, and tolyltriazole (table 3, of example 1).

Greaney disclose an antifreeze composition comprising propylene glycol, sodium molybdate, sodium nitrate and tolyltriazole (table 3 example 1).

Uekusa et al disclose an antifreeze composition comprising propylene glycol, sodium molybdate, sodium nitrate and tolyltriazole (example 8, table 1).

It would have been obvious to one of ordinary skill in the art to add the molybdate, nitrate and tolyltriazole components of either Mascioli et al or Greaney or Uekusa et al to the propylene glycol coolants of Coughenour et al or Dingley or Evans '579 because Mascioli et al or Greaney or Uekusa et al each teach that molybdates, nitrates, and tolyltriazole are effective corrosion inhibitors for propylene glycol coolants, and it appears that the propylene glycol coolants of Coughenour et al or Dingley or Evans '579 would benefit from the corrosion inhibition of the additives disclosed by Mascioli et al or Greaney or Uekusa et al, absent a showing to the contrary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholes Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-T and Th-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Necholus Ogden
Primary Examiner
Art Unit 1751

No
11-15-04